



UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Paper No. 22

In re application of

Yoshihiko Higuchi, et al.

Serial No. 08/959,125

Filed: October 28, 1997

For: DRY MEASURING TEST DEVICE

DECISION ON  
PETITION

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed April 5, 2002 for failure to respond to the office action dated February 9, 2000. Applicants assert that a timely response was submitted to the Office on July 10, 2000, along with a request for a two-month extension of time.

**DECISION**

Since petitioner asserts that a response was filed in a timely manner, the request is accepted as a petition under 37 C.F.R. 1.181 (no fee). A review of the petitioner's evidence provided with the instant petition indicates that the request has merit. The evidence, being a date stamped post card receipt from the USPTO dated July 17, 2000, is sufficient to establish that applicants did mail a response on July 10, 2000.

Therefore, the Notice of Abandonment is hereby withdrawn. Hence, the case is returned to pending status. The application shall be returned to the LIE for entering of 1) the response and 2) the two-month extension of time. After such is completed, the case will then be forwarded to the examiner for prompt consideration.

The Petition is **GRANTED**.

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